


This case is in its infancy. The Complaint was filed on June 23, 2015 (Doc. 1), summons was returned on September 17 (Doc. 4), the Defendant answered through counsel on October 2 (Doc. 4) and Plaintiff's Motion to Dismiss was filed on November 12.

Rule 41(a)(2) states that “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the *plaintiff’s* request only by court order, on terms that the court considers proper.” (emphasis added). Here, the Movant—Plaintiff’s counsel—has acknowledged that Plaintiff has not invoked Rule 41(a)(2) and the plain language of the rule provides no substitute of counsel absent the Plaintiff’s request.

IT IS THEREFORE ORDERED that the Plaintiff’s Motion to Dismiss (Doc. 10) is **denied**. The Movant’s request to withdraw as attorney of record for the Plaintiff is **granted**. Attorney Charles C. Vaught is hereby withdrawn as counsel of record for Plaintiff Norma G. Galindo.

IT IS FURTHER ORDERED that counsel is directed to mail a copy of this Order to the Plaintiff and furnish the Court with any contact information for the Plaintiff, including her most recent address and phone number(s). Within thirty (30) days of the receipt of this Order Plaintiff, Norma G. Galindo, shall cause new counsel to enter an appearance in this matter on her behalf or file a statement with the Court of her intention to proceed *pro se* in this matter. Failure to comply with this Order will result in a dismissal of this matter *without prejudice*.

SO ORDERED this 18th day of November, 2015.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE